

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned U.S.
 OTHER MINOR OFFENSE MO ☐
 OTHER MISDEMEANOR Mis ☐
 FELONY Fel ☒ District Office 1085 4 7-23-76

vs. SMITH, NOAH NATHANIEL (21) (Bond)
 Box 649
 Coweta, Okla. 74429
 (LAST, FIRST, MIDDLE)

Case Filed
 Mo. Day
 4 29
 No. of Def's
 * 1

76-CR-47 - 1

Yr. Docket No. Def.

U.S. MAG.
CASE NO.

BAIL • RELEASE

☐ AMT ☐ Fugitive
☐ Denied ☐ Set ☐ Pers. Recog.

\$2,500
 000 ☐ PSA conditions

Date 4-29-76 ☒ 10% Deposit
☐ Surety Bond

☒ Bail Not Made ☐ Collateral
☐ Status Changed (See Docket) ☐ 3rd Ptry Cust ☐ Other

U.S. TITLE/SECTION suppl. 3-14-77 OFFENSES CHARGED ORIGINAL COUNTS
 26:5861(d) possession of unregistered firearms 1
 (\$10,000 and/or 10 yrs)

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began 5-4-76	High Risk Date 4-29-76	5-5-76	Trial Set For 6-21-76	Disposition of Charges suppl. 3-14-77 7-23-76
Summons Served	Indict. Waived <input type="checkbox"/>	1st Plea 5-5-76	Voir Dire <input checked="" type="checkbox"/> 6-25-76	<input checked="" type="checkbox"/> Convicted
First Appearance	In Charging District	Final Plea	Trial Began <input type="checkbox"/> 6-25-76	<input type="checkbox"/> On All Charges
	Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>		Trial Ended 6-25-76	<input type="checkbox"/> On Lesser * Offense(s)
				<input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP: <input type="checkbox"/> WP
				<input type="checkbox"/> On Govern'm's Motion

MAGISTRATE

DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Search Warrant Issued		PRELIMINARY EXAMINATION OR REMOVAL HEARING		<input type="checkbox"/> DISMISSED
Summons Issued		Date Scheduled		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Arrest Warrant Issued		Date Held		<input type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN DISTRICT BELOW:
COMPLAINT		<input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED	Tape Number	
OFFENSE (In Complaint)		<input type="checkbox"/> INTERVENING INDICTMENT		

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☒ CJA ☐ Ret: ☐ Waived ☐ Self ☐ None / Other: ☐ PD ☐ CD

Ben F. Baker, Asst.

Gomer A. Evans, Jr. PH: 585-8181
 1910 Fourth Nat'l. Bank Bldg.
 Tulsa, OKLA. 74119

* Show last names and suffix numbers of other defendants on same indictment/information:

1976	DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
4-29	Record vote of Grand Jury, filed in open court. rm			
4-29	Indictment, filed in open court. Bond set by the Court in amt. of \$2,500 (10%) (HDC-J)rm			2 429.76 M
4-29	Warrant of arrest issued. rm			
5-3	Petition for Writ HCAP & appt. of counsel, filed. rm			
5-3	Order, filed, granting Writ HCAP & appt. of counsel. (HDC-J)rm			
5-3	Writ issued. rm			
5-3	Case set for arraignment and plea for 5/5/76 at 2 p.m. (HDC-J)rm			
5-4	Deft. advised bail set \$2500 (10%) and counsel appointed. (CSB-Mag.)			
5-5	Magistrate's papers, filed, including information sheet, financial affidavit and waiver of counsel. hm			
5-5	MO: Case called for arraignment & plea. Def. present & rep.; govt. rep. Def. ack. receipt of indictment; is arraigned & enters plea of NOT GUILTY. Def. given to 5/14/76 to file motions; pltf. to 5/21/76 to respond. PT conf. set for 6/9/76 in afternoon - parties to be notified of time. Case set for JT on 6/21/76 at 9:30 a.m. Def. remanded to custody of U. S. Marshal. (HDC-J)rm			

IV. PROCEEDINGS (continued)			V. EXCLUDABLE DELAY			
DATE	76-CR-47 NOAH NATHANIEL SMITH (DOCUMENT NO.)	PAGE TWO	Interval Section II (a)	Start Date End Date (b)	Ltr. Code (c)	Total Days (d)
1976						
5-7	Return on WHCP, filed. Executed by taking into cust. deft. at Tulsa Co. jail and delivering same to US Court and return to Tulsa Co. Jail on 5-5-76. ph		2	5-4-76	M	6
5-10	Appearance bond of the deft. in the amt. of \$2500, 10% cash, filed. hm					
5-10	Order specifying methods and conditions of release, filed. hm					
5-10	Return on warrant for arrest executed by arresting deft. on 5-7-76. ph					
5-13	MO: Case set for PT hearing 6-9-76 at 3:20 p.m. (HDC-J)hm					
6-9	MO: PT hearing held. Deft. not present, but represented; govt. represented. Parties announce case will go to trial. (EST-½ day). Case heretofore set for J/T June 21. (HDC-J)hm					
6-21	Warrant for arrest of witness, Francis Marie Floyd issued. (JCS-Clk)rm					
6-21	Case called for jury trial. Deft. present and rep.; govt. represented. Deft. waives jury; jury waiver signed and filed in open court. Case to be tried to the Court 6-25-76 at 9:30 a.m. Witnesses given notice by the Court to return at that time. <u>Later:</u> evidentiary hearing held. Deft. not present & not represented; govt. represented. Govt. moves to have bench warrant issued for witness, Francis Marie Floyd. Govt. witness sworn: O'Neil Cobb. Court orders bench warrant to be issued for said witness. No bond allowed. <u>Later:</u> Witness Francis Marie Floyd present in Court. Deft. counsel present; govt. counsel present. State-ments made. Witness directed and ordered to appear at 9:30 a.m. 6-25-76 for trial of case. Marshal directed to furnish witness with a bus ticket to appear at that time to see that witness is provided transportation back to her home. Witness released. (HDC-J)hm					
6-21	Order, filed, that Marshal furnish witness Floyd w/transportation to Court on 6-25-76 & provide her w/transp. to her home this date. (HDC-J)hm (two c/c to Marshal)					
6-22	Subpoena, ret. & filed: served Leo Dewayne Cotton on 6-15-76. g					
6-22	Warrant for Arrest of Witness, ret. & filed: Francis Marie Floyd arrested at Bristow, Ok. and taken before USDC, NDO. g					
6-22	Subpoena, Ret. & filed: served Francis Marie Floyd on 6-17-76 at Bristow, Ok. g					
6-25	Case called for non-jury trial. Deft. present and represented; govt. represented. Parties announce ready. Rule invoked. Opening statements made. Pltf. presents					

FINE AND RESTITUTION PAYMENTS					
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244)B. NARA Exami-
nation (28
U.S.C. 2902)C. State or Federal
trials on other
charges.D. Interlocutory
Appeals.E. Hearings on
pretrial motions.F. Transfers from
other districts
(per F.R.Cr.P.
Rules 20, 21
& 40).G. Defendant Motion
is actually
under advisement. Period of
up to 30 days
is excludable
per
3161(h) (1)(G).H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Depor-
tation,
Extradition.I. Prosecution deferred by
mutual agree-
ment.M. Unavailability
of defendant
or essential
witness.N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.O. Period of
NARA Com-
mitment or
Treatment.P. Superseding
indictment
and/or new
charges.R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.T. Continuances
Granted per
3161(h) (8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants
interests).U. Time between
guilty plea and
plea with-
drawal.W. Grand Jury in-
dictment ex-
tended per
3161 (b).

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
	(Document No.)	(a)	(b)	(c)	(d)
	case in chief w/test. of witnesses. Pltf's exhibits admitted. Pltf. rests. Deft. presents case in chief w/test. of witnesses and rests. Pltf. presents rebuttal evidence w/test. of witnesses and rests. Parties rest. Closing arguments made by def. counsel. Court makes findings & finds def. GUILTY as charged. Sentence set 7-23-76 at 9:00 a.m. and def. allowed to stand on present bond. (HDC-J)hm				
6-25-76	Trial exhibits, filed. (some in file; 1,2&5 in exhibit room)hm				
7-8-76	USM return on Order of 6-21-76 re transportation: transported witness to her residence at Bristow, Ok. on 6-21-76; and on 6-25-76 transported def. from Bristow to Fed. Courthouse, Tulsa. g				
7-23	Case called for sentence. Deft. present & rep.; govt. rep. Deft. & counsel asked if they care to say anything before sentence is pronounced.				
	Judgment and sentence - <u>Noah Nathaniel Smith</u> (21) Atty. Gen. - Two (2) Years				
	IT IS FURTHER ADJUDGED that the execution of the sentence is suspended & the def. placed on probation for a period of Four (4) Years from this date.				
	It is the finding of the Court that the def. is the age of 21 years & that the def. would not derive appropriate benefit from the YCA & is therefore sentenced under the applicable statute. Deft. advised of right to appeal. Leave granted for govt. to withdraw trial exhibits, to be substituted by photographs. (HDC-J)hm				
7-23	Judgment and Commitment, filed and entered. (HDC-J)hm				
7-23	Two c/c of J&C delivered to probation office. hm				
7-26	Order, filed, directing Clerk to remit \$250.00 cash bond to Doris Williamson. (HDC-J)k cps mld				
7-30	Notice of intent to appeal by def., from J&S of 7/23/76, filed. rm (copy to USCA)				
8-5	Designation of record on appeal, filed. rm				
8-9	Reporter's Transcript of Proceedings, fld. v				
8-20	Appeal record (2 vols.) sent to USCA. g (orig. + 3 cpies)				
2-22-77	Mandate of USCA, 10th Circuit, filed & spread of record, dismissing appeal on motion of appellant's counsel because of appellant's death on 11-19-76; mandate & opinion filed in USCA 1-26-77 affirming judgment recalled & withdrawn; cause remanded for further action as deemed necessary. g				
2-28-77	Appeal record (2 vols.) rec'd from USCA. g				
3-11	Pltf's motion to dismiss indictment, filed. ph (O to J)				
3-14	Order, filed and entered, that the indictment in this case is dismissed; further that any bail posted w/Clerk be exonerated and returned to person posting same. (HDC-J)ph cps mld				

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

DATE 1981	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1-8-81	EXHIBITS returned to respective parties.am				